
HOUSE BILL No. 1344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-9-10; IC 16-18-2-237.5; IC 16-19-3-4; IC 16-20-1-22.5; IC 16-22-8-34.

Synopsis: Mobile camps for railroad employees. Establishes standards for a mobile camp (camp) provided by a railroad company for maintenance of way employees. Requires a railroad company to provide drinking water at assembly points where at least two maintenance of way employees meet. Requires certain county or city executives other than the executive in Marion County to adopt a health ordinance pertaining to the licensing procedure and regulation of a camp. Authorizes: (1) the health and hospital corporation of Marion County to adopt and enforce an ordinance to license and regulate a camp; and (2) the executive board of the state department of health to adopt rules concerning a camp.

Effective: July 1, 2007.

Tyler, Lawson L

January 16, 2007, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1344

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-9-10-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) As used in this section,**
3 **"mobile camp" means a temporary location where at least two (2)**
4 **maintenance of way employees are housed.**
5 **(b)** Every railroad company within the state of Indiana shall provide
6 and adequately maintain a heated room or rooms at all terminals and
7 headquarters in the operation of ~~said the~~ railroad company, for the use
8 of its employees. ~~containing~~
9 **(c) Each room required by subsection (b) must contain** adequate
10 wash basins, shower-baths, inside toilets, and sufficient lockers for
11 checking employees' clothing. ~~In addition to the foregoing,~~
12 **(d)** Every railroad shall maintain at all permanent assembly points
13 a supply of drinking water dispensed in a sanitary manner. A
14 permanent assembly point under this chapter is a location where a
15 minimum of ~~six (6)~~ **two (2)** maintenance of way employees meet for a
16 ~~period of~~ not less than six (6) months of each year.
17 **(e) A railroad company that houses maintenance of way**



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employees in a mobile camp shall provide and adequately maintain for the employees' use outfit cars, camp cars, or trailers with the following:

- (1) Heat and air conditioning.
- (2) An adequate number of wash basins, showers, and inside toilets.
- (3) An adequate number of lockers for checking employees' clothing and personal belongings.
- (4) An adequate supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking, and cleaning cooking utensils.
- (5) Floor space of at least:
 - (A) sixty (60) square feet per resident for sleeping units using single beds; and
 - (B) eighty (80) square feet per resident for sleeping units using double bunk beds.

(f) A railroad company that houses maintenance of way employees in a mobile camp shall:

- (1) not later than two (2) business days after employees arrive at that location, notify the local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp; and
- (2) request and permit inspection by an authorized representative of the local health department to ensure the conditions of the outfit cars, camp cars, or trailers are sanitary and healthful for the:
 - (A) maintenance of way employees; and
 - (B) local community.

(g) A railroad company shall locate and maintain a mobile camp described in subsection (e) in a safe and healthy environment.

SECTION 2. IC 8-9-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Whenever the Indiana department of transportation secures reliable information, receives a complaint, or, because of reports made by the department's inspectors, has reason to believe that a railroad company in this state does not provide and adequately maintain the sanitary facilities provided for in **section 1(b) through 1(e) of this chapter**, the department shall make an investigation as necessary. The department shall conduct a hearing at which both the railroad company and the employees affected will be given a full opportunity to present evidence as to the necessity and reasonableness of the proposed changes or improvements.

(b) When the investigation required under subsection (a) is made,

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the Indiana department of transportation shall report to the manager or superintendent of the railroad company. In the report and recommendations, the department shall make an accurate statement of the time the examination was made, of the exact location, character, and extent of defects or omissions, if any have been found, and shall recommend reasonable changes and improvements, additions, buildings, and accommodations, as are, in the opinion of the department, necessary to remedy the faults, neglect, requirements, or defects. The recommendations must set out specifically a reasonable time within which such improvements or changes or additions shall be made by the railroad company.

(c) If the recommendations under subsection (b) are not carried out within the time specified, then the Indiana department of transportation may commence proceedings by mandamus or other remedy in a circuit or superior court having jurisdiction to enforce compliance with its order. All courts having jurisdiction in these cases shall give preference to the cases and shall hear and determine the case speedily to the end that the employees' interests and the public interests may not suffer.

SECTION 3. IC 8-9-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. In addition to the provisions of this chapter, the railroad company is subject to an ordinance adopted under IC 16-20-1-22.5 or IC 16-22-8-34(a)(3)(P).**

SECTION 4. IC 16-18-2-237.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 237.5. "Mobile camp" has the meaning set forth in IC 8-9-10-1(a).**

SECTION 5. IC 16-19-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a)** The executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules on behalf of the state department to protect or to improve the public health in Indiana.

(b) The rules may concern but are not limited to the following:

- (1) Nuisances dangerous to public health.
- (2) The pollution of any water supply other than where jurisdiction is in the water pollution control board and department of environmental management.
- (3) The disposition of excremental and sewage matter.
- (4) The control of fly and mosquito breeding places.
- (5) The detection, reporting, prevention, and control of diseases that affect public health.
- (6) The care of maternity and infant cases and the conduct of

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maternity homes.

(7) The production, distribution, and sale of human food.

(8) The conduct of camps, **including mobile camps.**

(9) Standards of cleanliness of eating facilities for the public.

(10) Standards of cleanliness of sanitary facilities offered for public use.

(11) The handling, disposal, disinterment, and reburial of dead human bodies.

(12) Vital statistics.

(13) Sanitary conditions and facilities in public buildings and grounds, including plumbing, drainage, sewage disposal, water supply, lighting, heating, and ventilation, other than where jurisdiction is vested by law in the fire prevention and building safety commission or other state agency.

(14) The design, construction, and operation of swimming and wading pools. However, the rules governing swimming and wading pools do not apply to a pool maintained by an individual for the sole use of the individual's household and house guests.

SECTION 6. IC 16-20-1-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22.5. (a) The appropriate county or city executive shall adopt an ordinance pertaining to the:**

(1) licensing process; and

(2) regulation;

of a mobile camp that is located in the jurisdiction of the local health department.

(b) The operation of a mobile camp is subject to inspection by the local health officer or the officer's designee under section 23 of this chapter.

SECTION 7. IC 16-22-8-34, AS AMENDED BY P.L.88-2006, SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:**

(1) As a municipal corporation, sue and be sued in any court with jurisdiction.

(2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.

(3) To adopt and enforce ordinances consistent with Indiana law

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and administrative rules for the following purposes:

(A) To protect property owned or managed by the corporation.

(B) To determine, prevent, and abate public health nuisances.

(C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the ~~animal's~~ **animals'** breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

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(P) To license and regulate a mobile camp.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ resources.

(7) To determine the public health policies and programs to be carried out and administered by the corporation.

(8) To adopt an annual budget ordinance and levy taxes.

(9) To incur indebtedness in the name of the corporation.

(10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.

(11) To acquire and dispose of property.

(12) To receive *charitable contributions* and ~~make~~ gifts as provided in 26 U.S.C. 170.

~~(13)~~ *To make charitable contributions and gifts.*

~~(14)~~ *To establish a charitable foundation as provided in 26 U.S.C. 501.*

~~(15)~~ (15) To receive and distribute federal, state, local, or private grants.

~~(16)~~ *To receive and distribute grants from charitable foundations.*

~~(17)~~ *To establish nonprofit corporations to carry out the purposes of the corporation.*

~~(18)~~ (18) To erect buildings or structures or improvements to existing buildings or structures.

~~(19)~~ (19) To determine matters of policy regarding internal organization and operating procedures.

~~(20)~~ (20) To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

~~(21)~~ (21) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

~~(22)~~ (22) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.

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- 1 ~~(19)~~ (23) To purchase supplies, materials, and equipment for the
- 2 corporation.
- 3 ~~(20)~~ (24) To employ personnel and establish personnel policies to
- 4 carry out the duties, functions, and powers of the corporation.
- 5 ~~(21)~~ (25) To employ attorneys admitted to practice law in Indiana.
- 6 ~~(22)~~ (26) To acquire, erect, equip, and operate the corporation's
- 7 hospitals, medical facilities, and mental health facilities.
- 8 ~~(23)~~ (27) To dispose of surplus property in accordance with a
- 9 policy by the board.
- 10 ~~(24)~~ (28) To determine the duties of officers and division
- 11 directors.
- 12 ~~(25)~~ (29) To fix the compensation of the officers and division
- 13 directors.
- 14 ~~(26)~~ (30) To carry out the purposes and object of the corporation.
- 15 ~~(27)~~ (31) To obtain loans for hospital expenses in amounts and
- 16 upon terms agreeable to the board. The board may secure the
- 17 loans by pledging accounts receivable or other security in hospital
- 18 funds.
- 19 ~~(28)~~ (32) To establish fees for licenses, services, and records. The
- 20 corporation may accept payment by credit card for fees.
- 21 (b) The board shall exercise the board's powers and duties in a
- 22 manner consistent with Indiana law, administrative rules, and the code
- 23 of the health and hospital corporation of the county.

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